

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

O'SHEA MANN,

Plaintiff,

v.

A. GARCIA, et al.,

Defendants.

Case No. 1:21-cv-00764-AWI-EPG (PC)

ORDER DIRECTING DEFENDANTS TO
FILE SECOND STATUS REPORT

ORDER DIRECTING PLAINTIFF TO FILE
NOTICE OF CHANGE OF ADDRESS OR
CONFIRM CURRENT ADDRESS

(ECF Nos. 42 & 43)

O'Shea Mann ("Plaintiff") is a state prisoner (or former state prisoner) proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff's claims against defendants Garcia, Duran, Castro, Thompson, and Godfrey for excessive force in violation of the Eighth Amendment. (ECF Nos. 1, 13, & 24).

On February 10, 2022, the Court granted defendants Duran, Castro, Thompson and Godfrey's motion to stay this action pending the resolution of parallel criminal proceedings. (ECF No. 42).¹ The Court also directed defendants Duran, Castro, Thompson and Godfrey ("Defendants") "to file a status report 14 days after a resolution in the pending state criminal case or one year from the date of this order, whichever is sooner." (*Id.* at 10).

On February 10, 2023, Defendants filed a status report. (ECF No. 43). According to Defendants, "[t]he Superior Court has continued the trial of the case several times and there is currently a February 22, 2023 date scheduled for Appointment of Counsel, Reset Trial Date, and

¹ Defendant Garcia is represented by separate counsel. The motion to stay was not brought on his behalf. (See ECF Nos. 40 & 41).

Status Conference.” (Id. at 2). Additionally, Defendants assert that “Plaintiff is no longer in CDCR custody and has posted bail in the criminal case, although he has not updated this Court with his address.”

As the criminal case is progressing but has not yet been resolved, the Court will direct Defendants to file a second status report 14 days after a resolution in the pending state criminal case or 90 days from the date of this order, whichever is sooner.

Additionally, given the assertion that Plaintiff is no longer in CDCR custody but has not updated his address, the Court will require Plaintiff to either file a notice of change of address or to confirm his current address within 30 days. Local Rule 182(f) (“Each appearing attorney and pro se party is under a continuing duty to notify the Clerk and all other parties of any change of address or telephone number of the attorney or the pro se party.”).

Accordingly, IT IS ORDERED that:

1. Defendants are directed to file a second status report 14 days after a resolution in the pending state criminal case or 90 days from the date of this order, whichever is sooner; and
2. Within 30 days from the date of service of this order, Plaintiff shall either file a notice of change of address or confirm his current address. Failure to comply with this order may result in the imposition of sanctions, up to and including dismissal of this action.

IT IS SO ORDERED.

Dated: **February 13, 2023**

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE